

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ANGEL A. PEREIRA, )  
 )  
Plaintiff, )  
 )  
v. ) 1:17CV122  
 )  
DIRECTOR INS JANE/JOHN DOE, )  
et al., )  
 )  
Defendant(s). )

**ORDER**

On February 17, 2017, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 2, 3.) Plaintiff timely filed an objection. (Doc. 4.)<sup>1</sup>

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate

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<sup>1</sup> The objection "accepts the [Magistrate] Judge[']s Order/Recommendation . . . that this case is better suited for 28 U.S.C. [§] 2241 opposed [sic] to 42 U.S.C. [§] 1983" (Doc. 4 at 1), and requests "a voluntary dismissal without prejudice as it [r]elates to § 1983 and a 30 day extension of time to [r]efile as directed pursuant to 28 U.S.C. [§] 2241" (*id.* at 3). In that regard, the objection states that Plaintiff (i) "has been held in the Davie County Detention Center for 20 months pending the [State's] final disposition of a[n] alleged sex offense" and (ii) "is still subject to INS/DHS detainer." (*Id.* at 1-2 (emphasis in original).)

Judge's Recommendation. This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that this action be, and is hereby, dismissed without prejudice to Plaintiff filing a new complaint, on the proper forms and in the proper court, correcting the defects set out in the Order and Recommendation. The Clerk is directed to send Plaintiff § 2241 forms, instructions, and an application to proceed in forma pauperis.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 20th day of March, 2017.

  
United States District Judge